

111th Congress
1st Session

H. RES. ____

Providing for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 24, 2009

Mr. Polis, from the Committee on Rules, reported the following resolution which was referred to the House Calendar and ordered to be printed.

RESOLUTION

Providing for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

111th Congress }
1st Session }

HOUSE OF REPRESENTATIVES

{Report
{
{No. ____

Providing for consideration of the bill (H.R. 1404) to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

March 24, 2009. --Referred to the House Calendar and ordered to be printed

Mr. Polis, from the Committee on Rules submitted the following

REPORT

[To accompany H. Res. ____]

The Committee on Rules, having had under consideration House Resolution ____, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1404, the Federal Land Assistance, Management and Enhancement (FLAME) Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). *the*

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) and waives all points of order against the provisions in the bill, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 48

Date: March 24, 2009

Measure: H.R. 1404

Motion By: Mr. Dreier

Summary of Motion: To make in order en bloc and provide appropriate waivers for amendments by Rep. Hastings of Washington, #16, which would define the term "suppression" to include preventative management to reduce the likelihood of catastrophic wildfire, and #17, which would include fire prevention activities as part of the cohesive wildland fire management strategy required in the bill.

Results: Defeated 2-9

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	NAY
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	
SESSIONS	
FOXX	YEA
SLAUGHTER	NAY

Rules Committee Record Vote No. 49

Date: March 24, 2009

Measure: H.R. 1404

Motion By: Mr. Dreier

Summary of Motion: To make in order and provide appropriate waivers for an amendment by Rep. Herger, #11, which would require that any wildfire suppression funds in excess of amounts annually appropriated to the Secretary of the Interior or Agriculture and transferred to the Flame Fund at the end of a fiscal year be made available for hazardous fuels reduction projects as identified by a community wildfire protection plan.

Results: Defeated 2-9

Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	NAY
CARDOZA	NAY
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	
SESSIONS	
FOXX	YEA
SLAUGHTER	NAY

SUMMARY OF AMENDMENTS TO BE MADE IN ORDER

1. **Rahall (WV)** Would strike from the bill the Sense of Congress language on the designation of Flame Fund appropriations as emergency spending. (10 minutes)
2. **Perlmutter (CO)** Would clarify that authorized suppression activities for the Flame Fund include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires. (10 minutes)
3. **Polis (CO)** Would require revisions of the cohesive wildland fire management strategy at least once every five years. (10 minutes)
4. **Hastings, Doc (WA)** Would require advance notice, in writing, to adjacent landowners whenever the Department of Agriculture sets a prescribed fire on National Forest System land. (10 minutes)
5. **Hastings, Doc (WA)** Would require the review of certain wildfires specified in the bill to include an assessment of what actions, if any, could have been taken in advance of the fire that may have prevented the fire or at least reduced the severity of the fire. (10 minutes)
6. **Hastings, Doc (WA)** Would require the review of certain wildfires specified in the bill to include an assessment of the quantity of greenhouse gases produced as a result of the fire. (10 minutes)
7. **Heinrich (NM)** Would require the cohesive wildland fire management strategy required in the bill to include among its elements a system to assess the impacts of climate change on the frequency and severity of wildland fire. (10 minutes)
8. **Minnick (ID)** Would require that the Secretaries, in considering severity of and threat posed by a fire for the purposes of determining whether to declare that a wildland fire suppression activity is eligible for funding from the Flame Fund, take into account areas where insect infestation has created an extreme risk for wildfire. (10 minutes)
9. **Luján (NM)/
Markey, Betsy (CO)/
Connolly (VA)** Would require the cohesive wildland fire management strategy required in the bill to include among its elements a system to study the effects of invasive species on wildland fire risk. (10 minutes)
Would add to the list of eligible uses for cost-share grants provided for in the bill implementation of fire-safety programs focused on the eradication or control of invasive species.
10. **Matheson (UT)** Would require the cohesive wildland fire management strategy required in the bill to include among its elements a plan, developed in coordination with the National Guard Bureau, to maximize the use of National Guard resources to fight wildfires. (10 minutes)

- 11. Roskam (IL)** Would prohibit obligation of funds in the Flame Fund until 30 days after the submission by the Secretaries of the Interior and Agriculture of an initial estimate of anticipated wildfire suppression costs for the current and following fiscal year. (10 minutes)
- 12. Kirkpatrick (AZ)** Would amend the definition of "fire-ready community" in the bill to provide that a community satisfies the definition if it is located within a priority area identified by the fire risk maps required by the bill, and meets two of the other four criteria listed in the bill for "fire-ready communities." (10 minutes)
- 13. Goodlatte (VA)** Would authorize the Secretary of Agriculture to enter into contracts or cooperative agreements with a State Forester to prepare and implement "good neighbor" projects on National Forest System land to complement any similar project being performed on bordering or adjacent non-Federal land. Would provide that the decision to proceed with a good neighbor project is in the Secretary's sole discretion. Defines good neighbor projects to include certain fuels reduction projects. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Rahall OF West Virginia, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404
OFFERED BY MR. RAHALL OF WEST VIRGINIA

Page 5, beginning line 3, strike paragraph (2) (and
redesignate the subsequent paragraph accordingly).



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Perlmutter OF Colorado, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

Revised #21

AMENDMENT TO H.R. 1404
OFFERED BY MR. PERLMUTTER OF COLORADO

(page and line numbers refer to the bill as introduced)

Page 4, line 15, insert after the period the following new sentence: "Authorized suppression activities include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires."



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Polis OF Colorado, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404
OFFERED BY MR. POLIS OF COLORADO
(page and line numbers refer to the bill as introduced)

Page 11, after line 4, insert the following new subsection:

1 (c) REVISION.—At least once during every five-year
2 period initially beginning on the date of the submission
3 of the cohesive wildland fire management strategy under
4 subsection (a), the Secretary of the Interior and the Sec-
5 retary of Agriculture shall submit to Congress a revised
6 strategy that takes into consideration changes affecting
7 the elements of the strategy specified in subsection (b)
8 during the five-year period, in particular changes with re-
9 spect to landscape, vegetation, climate, and weather.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hastings OF Washington, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES.

AMENDMENT TO H.R. 1404
OFFERED BY MR. HASTINGS OF WASHINGTON

(Page and line numbers refer to the bill as introduced)

Page 11, after line 4, insert the following new sub-
section:

1 (c) NOTICE OF PRESCRIBED FIRES.—As part of the
2 strategy required by subsection (a) for the Forest Service,
3 the Secretary of Agriculture shall ensure that, before any
4 prescribed fire is used on National Forest System land,
5 owners of adjacent private land are notified in writing of
6 the date and scope of the prescribed fire.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hastings OF Washington, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404
OFFERED BY MR. HASTINGS OF WASHINGTON

Page 11, line 12, insert after the period the following new sentence: "The review of a wildfire incident shall include an assessment of what actions, if any, could have been taken in advance of the fire that may have prevented the fire or at least reduced the severity of the fire."



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Hastings OF Washington, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404

OFFERED BY MR. HASTINGS OF WASHINGTON

Page 11, line 12, insert after the period the following new sentence: "The review of a wildfire incident shall include an assessment of the quantity of greenhouses gases produced as a result of the fire."



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Heinrich OF New Mexico, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404

OFFERED BY MR. HEINRICH OF NEW MEXICO

(page and line numbers refer to the bill as introduced)

Page 11, after line 4, insert the following new paragraph:

- 1 (6) A system to assess the impacts of climate
- 2 change on the frequency and severity of wildland
- 3 fire.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Minnick OF Idaho, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404

OFFERED BY MR. MINNICK OF IDAHO

(page and line numbers refer to the bill as introduced)

*Revised
20*

Page 7, after line 13, insert the following new paragraph:

- 1 (5) EFFECT OF INSECT INFESTATIONS.—For
- 2 purposes of applying clauses (ii) and (iii) of para-
- 3 graph (2)(A), the Secretaries shall take into account
- 4 areas where insect infestation has created an ex-
- 5 treme risk for wildfire.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Lujan OF New Mexico, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404

OFFERED BY MR. LUJAN OF NEW MEXICO

(Amendment offered on behalf of himself, Ms. Markey of Colorado, and Mr. Connolly of Virginia)

(page and line numbers refer to the bill as introduced)

Page 11, after line 4, insert the following new paragraph:

- 1 (6) A system to study the effects of invasive
- 2 species on wildland fire risk.

Page 14, after line 7, insert the following new subparagraph:

- 3 (E) Implementation of fire-safety programs
- 4 focused on the eradication or control of invasive
- 5 species.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Matheson OF Utah, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

10

AMENDMENT TO H.R. 1404

OFFERED BY MR. MATHESON OF UTAH

(page and line numbers refer to the bill as introduced)

Page 11, after line 4, insert the following new paragraph:

- 1 (6) A plan, developed in coordination with the
- 2 National Guard Bureau, to maximize the use of Na-
- 3 tional Guard resources to fight wildfires.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Roskam OF Illinois, OR His
DESIGNEE, DEBATABLE FOR 10 MINUTES:

AMENDMENT TO H.R. 1404
OFFERED BY MR. ROSKAM OF ILLINOIS

Page 10, after line 3, insert the following new sub-
paragraph:

1 (D) LIMITATION ON INITIAL USE OF
2 FLAME FUND.—Amounts in the Flame Fund
3 may not be obligated until at least 30 days
4 after the date on which the Secretaries submit
5 the initial estimate of anticipated wildfire sup-
6 pression costs under subparagraph (A).



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Kirkpatrick OF Arizona, OR Her
DESIGNEE, DEBATABLE FOR 10 MINUTES:

REVISED #8

AMENDMENT TO H.R. 1404

OFFERED BY MS. KIRKPATRICK OF ARIZONA

(page and line numbers refer to the bill as introduced)

Page 11, line 25, strike "that—" and insert the following: "that satisfies the requirement of paragraph (1), and the requirements in at least two of the other four paragraphs, as follows:".



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Goodlatte OF Virginia, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

Rev

14

AMENDMENT TO H.R. 1404
OFFERED BY Mr. Goodlatte

Add at the end the following new section:

1 **SEC. 6. DEPARTMENT OF AGRICULTURE PARTNERSHIPS TO**
2 **REDUCE HAZARDOUS FUELS ON NATIONAL**
3 **FOREST SYSTEM LANDS TO PREVENT OR RE-**
4 **DUCE THE SEVERITY OF WILDFIRES.**

5 (a) DEFINITIONS.—In this section:

6 (1) CONTRACT.—The term “contract” means
7 any contracting authority available to the Secretary
8 of Agriculture, including a sole source contract or
9 other agreement for the mutual benefit of the Sec-
10 retary and a State Forester.

11 (2) GOOD NEIGHBOR PROJECT.—The term
12 “good neighbor project” means any project on Na-
13 tional Forest System land that meets the require-
14 ments for hazardous fuels reduction projects under
15 subsections (a), (d), (e), and (f) of section 102 of
16 the Healthy Forests Restoration Act (16 U.S.C.
17 6512).

18 (3) STATE FORESTER.—The term “State For-
19 ester” has the meaning given that term in section

1 4(k) of the Cooperative Forestry Assistance Act of
2 1978 (16 U.S.C. 2103).

3 (b) PARTNERSHIP AUTHORITY.—The Secretary of
4 Agriculture (in this section referred to as the “Secretary”)
5 may enter into contracts or cooperative agreements with
6 a State Forester to prepare and implement good neighbor
7 projects on National Forest System land to complement
8 any similar project being performed on bordering or adja-
9 cent non-Federal land. The decision to proceed with a
10 good neighbor project is in the Secretary’s sole discretion.

11 (c) STATE FORESTER OR EQUIVALENT OFFICIAL AS
12 AGENT.—A cooperative agreement or contract under sub-
13 section (b) may authorize the State Forester to serve as
14 the agent for the Secretary in providing all services nec-
15 essary to facilitate the performance of good neighbor
16 projects, except that any decision with respect to a good
17 neighbor project required to be made under the National
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
19 seq.) may not be delegated to a State Forester or any offi-
20 cer or employee of the State Forester.

21 (d) PROJECT REQUIREMENTS.—In implementing any
22 good neighbor project, the Secretary shall ensure that—
23 (1) the project is consistent with the applicable
24 land and resource management plan developed under
25 section 6 of the Forest and Rangeland Renewable

1 Resources Planning Act of 1974 (16 U.S.C. 1604);
2 and

3 (2) the project improves the cost efficiency of
4 managing the National Forest System land covered
5 by the project, as determined by the Secretary.

6 (e) PRIORITY FOR COLLABORATIVE PROJECTS.—The
7 Secretary shall give priority to good neighbor projects that
8 are—

9 (1) developed in collaboration with nongovern-
10 mental entities;

11 (2) consistent with a community wildfire protec-
12 tion plan (as defined in section 101 of the Healthy
13 Forests Restoration Act of 2003 (16 U.S.C. 6502));
14 or

15 (3) prepared in a manner consistent with the
16 Implementation Plan for the Comprehensive Strat-
17 egy for a Collaborative Approach for Reducing
18 Wildland Fire Risks to Communities and the Envi-
19 ronment, dated May 2002, developed pursuant to
20 the conference report to accompany the Department
21 of the Interior and Related Agencies Appropriations
22 Act, 2001 (House Report No. 106–64), and subse-
23 quent revisions of the implementation plan.

24 (f) RELATION TO OTHER LAWS.—Subsections (d)
25 and (g) of section 14 of the National Forest Management

1 Act of 1976 (16 U.S.C. 472a) shall not apply to a contract
2 or other agreement under this subsection.

3 (g) SUBCONTRACTING BY A STATE FORESTER.—A

4 State Forester may subcontract to the extent allowed by

5 State and local law to prepare or implement a contract

6 or other agreement under this section.

